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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,046	12/09/2003	Harry Stienwand	STIENW0301	6713

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,046	Applicant(s) STIENWAND, HARRY	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,12-15,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-6,16-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/06 has been entered.

Claim Objections

2. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The limitations of claim 19 already exist in claim 12.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 12, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413).

Downey shows a columbarium apparatus comprising at least one niche defined by a columbarium structure and having an open end, an inside door (23) configured to cover the open

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end of the niche and attached to the columbarium, an outside door (28) configured to cover the inside door and attached to the columbarium structure, an inner face of the outside door is supported by an outer face of the inside door, the outside door attached to the columbarium structure by a second set of tamper resistant hardware (27), a ledge (formed by part 25) extending from the structure and oriented such that a lower edge of the outside door is supported by the ledge, the outside door being made from stone (marble), the structure defining a plurality of niches, each niche defining by top, bottom, right side, left side, rear walls and having an open end, a horizontal ledge (formed by part 25) extending from the structure in proximity to the bottom wall of at least one niche.

Downey does not show the inside door attached to the columbarium by a first set of tamper resistant hardware, the first set of tamper proof hardware is concealed by the outside door when the outside door is installed.

Koppenberg discloses a first set of tamper resistant hardware (22) to attach an inner structure (12) to a mausoleum vaults or niches, and a second set of tamper resistant hardware (60) to attach an outer door to the vaults.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the inside door attached to the columbarium by a first set of tamper resistant hardware as taught by Koppenberg because the hardware would further enhance the securement of the door to the columbarium wall.

Downey as modified shows the first set of hardware being concealed by the outside door when the outside door is installed, the first and second set of tamper proof hardware requiring

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different tools for removal per the different heads of the fasteners (22, 60, also it is unclear from the claim language what the tools look like).

Per claims 10, 19 Downey as modified shows the first set of tamper proof hardware requiring a first tool for removal, the second set of tamper proof hardware requiring a different second tool for removal (inherently so as the heads 60 is different from that of part 22).

3. Claims 3, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) as applied to claim 1 or claim 12 above and further in view of Darby (6250025)

Downey as modified shows all the claimed limitations except for the outside door is attached to the structure by attachment to a vertical strip portion of the structure.

Darby shows the outside door is attached to the structure by attachment to a vertical strip portion of the structure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's modified structure to show the outside door is attached to the structure by attachment to a vertical strip portion of the structure because the vertical strips portion of the structure would provide good supporting strength for the weight of the door as taught by Darby.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) as applied to claim 1 above and further in view of Nelson et al (4685402)

Downey as modified shows all the claimed limitations except for the inside door being made from aluminum.

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Nelson et al shows an interior surface (43) of the door (17) being made of aluminum to enable the door to function as an infrared barrier and moisture barrier to provide for a good fire resistive covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the inside door being made from aluminum because having an aluminum layer would provide the material located in the interior from fire as taught by Nelson et al.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) as applied to claim 12 above and further in view of Nelson et al (4685402)

Downey as modified shows all the claimed limitations except for the inside door being made from aluminum.

Nelson et al shows an interior surface (43) of the door (17) being made of aluminum to enable the door to function as an infrared barrier and moisture barrier to provide for a good fire resistive covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the inside door being made from aluminum because having an aluminum layer would provide the material located in the interior from fire as taught by Nelson et al.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) as applied to claim 12 above and further in view of Darby (6250025)

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Downey as modified shows all the claimed limitations except for the structure being substantially aluminum and the hardware comprising stainless steel.

Darby shows a structure being substantially aluminum (the extrusion pieces) and steels forming bolts.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the structure being substantially aluminum and the hardware comprising stainless steel because having aluminum forming the structure would form a strong and sturdy structure and having bolts made of stainless steel would have been an obvious matter of engineering design choice as steel, and stainless steel are well known material for forming fasteners.

7. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413), as applied to claim 1, or 12 above, and further in view of Pangburn et al (3754805).

Downey as modified shows all the claimed limitations except for a channel member adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door.

Pangburn et al shows a channel member (62) adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's modified structure to show a channel member adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door because it allows for the easy mounting of the outside door to the structure as taught by Pangburn et al.

Allowable Subject Matter

8. Claims 5-6, 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: prior art does not provide sufficient motivation to modify Downey by Snow to show a resilient material between the inside and outside doors in combination with other claimed limitations.

Response to Arguments

10. Applicant's arguments filed 8/22/06 have been fully considered but they are not persuasive.

Applicant states that the combined structures of Downey and Koppenberg would not show the different tampering resistance device claimed, examiner respectfully disagrees. As pointed in the rejection above, modifying Downey with Koppenberg would enhance the secruement of the door to the columbarium wall. The combination further provides securing/fastening means, which require two different tools to remove the fastening means. The fastening means also function as tampering resistance means as they secure the doors to a substructure. The combination thus shows the limitations as claimed. The argument is thus moot.

Applicant's arguments to claims 5-6, 16-17 are persuasive, the rejection is thus withdrawn.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

9/13/06